



Notice of Service of Process

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Transmittal Number: 24596868
Date Processed: 03/11/2022

Primary Contact: Heather McClow
Lowe's Companies, Inc.
1000 Lowes Blvd
Mooresville, NC 28117-8520

Entity: Lowe's Home Centers, LLC
Entity ID Number 2515365

Entity Served: Lowe's Home Centers, LLC

Title of Action: Eugene Marvin Ross by his Personal Representative Andrew Ross vs. Lowes Home Centers, LLC

Matter Name/ID: Eugene Marvin Ross by his Personal Representative Andrew Ross vs. Lowes Home Centers, LLC (12088820)

Document(s) Type: Summons/Complaint

Nature of Action: Wrongful Death

Court/Agency: Greenville County Court of Common Pleas, SC

Case/Reference No: 2022CP2301236

Jurisdiction Served: South Carolina

Date Served on CSC: 03/10/2022

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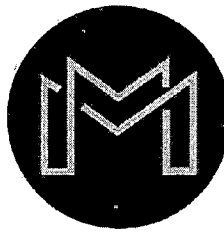
How Served: Certified Mail

Sender Information: Ryan Montgomery Attorney at Law, LLC
864-373-7333

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RYAN MONTGOMERY LAW

March 7, 2022

Corporation Service Company
Registered Agent for Lowe's Home Centers, LLC
508 Meeting Street
Columbia, SC 29169

Re: Eugene Marvin Ross (deceased) by his Personal Representative Andrew
Ross, and Shelby Ross v. Lowe's Home Centers, LLC
Case No.: 2022-CP-23-01236
Date of Accident: December 2, 2021

To Whom it May concern:

This firm has been retained to represent the Plaintiffs Eugene Marvin Ross (deceased) by his Personal Representative Andrew Ross and Shelby Ross in the above referenced matter.

Please find enclosed for service upon you the Summons and Complaint filed on March 4, 2022 in the Greenville County Court of Common Pleas. In addition, please also find for service upon you Plaintiffs' Interrogatories to Defendant Lowe's Home Centers, LLC.

You may contact my office to discuss this case further, or alternatively, have your liability insurance carrier call. My office hours are Monday through Thursday 8:30 am until 5:00 pm, and Friday 8:30 am until 3:00 pm.

Sincerely,

Ryan S. Montgomery

Enclosures

Cc:// Via regular 1st Class Mail to Lowe's Home Improvement, 6068 Calhoun Memorial
Hwy., Easley, SC 29640

RSM/pa



STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
FOR THE 13TH JUDICIAL CIRCUIT

Eugene Marvin Ross (deceased) by his)
Personal Representative Andrew Ross,)
and Shelby Ross,)

C.A. No.: 2022-CP-23-_____

Plaintiffs,)

vs.)

SUMMONS
(Jury Trial Demanded)

Lowe's Home Centers, LLC,)

Defendant.)

TO: LOWE'S HOME CENTERS, LLC, THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer and/or otherwise plead to the Complaint in this action, a copy of which is attached hereto and herewith served upon you; and to serve a copy of your Reply upon the subscriber at 20 Mills Avenue, Greenville, SC 29605 within thirty (30) days after the service hereof, exclusive of the day of such service.

If you fail to answer the Complaint within this thirty (30) day period, the Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment will be taken against you by default. In the event that you are over fourteen (14) years of age or an imprisoned person, you are further summoned and noticed to apply for a Guardian *ad Litem* to represent you in this action within thirty (30) days, after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment can be made by the Plaintiff herein.

In the event that you are an infant under fourteen (14) years of age or incompetent or insane, then you and the Guardian or Committee are further summoned and notified to apply for an appointment of a Guardian *ad Litem* to represent said infant under fourteen (14) years of age or

said incompetent or said insane person within thirty (30) days after the service of Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.

Respectfully Submitted,

s/ Ryan S. Montgomery
Ryan S. Montgomery, S.C. Bar #72890
William T. Young III, S.C. Bar #75153
Ryan Montgomery Attorney at Law, LLC
20 Mills Avenue
Greenville, South Carolina 29605
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ATTORNEYS FOR PLAINTIFFS

Greenville, South Carolina
March 4, 2022

1. Plaintiff Andrew Ross is the duly appointed Personal Representative of the Estate of Eugene Marvin Ross who was, at all times relevant hereto, a citizen and resident of Greenville County, South Carolina.
2. Plaintiff Shelby Ross is the widow of Eugene Marvin Ross and was married him at the time of the incident described herein and at the time of his death. She was, at all times relevant hereto, a citizen and resident of Greenville County, South Carolina.
3. Defendant, Lowe's Home Centers, LLC (hereinafter "Defendant" or "Lowe's") is, upon information and belief, a limited liability company operating within the state of South Carolina and in particular at 6068 Calhoun Memorial Highway in Easley, South Carolina.
4. On December 2, 2021, Eugene Ross was shopping at Lowe's in Easley, South Carolina when his foot struck debris located at or near the shopping carts inside Lowe's, causing him to fall and sustain a fracture to his left hip.

5. Eugene Ross was taken to the hospital the same day, but subsequently died on December 17, 2021.

6. According to his death certificate, Eugene Ross's cause of death was "Respiratory and Metabolic Encephalopathy" which was caused by "Complications Post-Surgical Repair of Left Femoral Neck Fracture Fall and Fracture of Left Femoral Neck." The death certificate further identifies Mr. Ross's fall at Lowe's on December 2, 2021, caused the injuries which ultimately led to his death.

FOR A FIRST CAUSE OF ACTION
(Negligence- Survival Action)

7. Plaintiffs incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

8. Defendant owed a duty to use due care to discover risks and take safety precautions to warn of or eliminate unreasonable risks. Moreover, Defendant owed a duty to warn of obvious defects when it was foreseeable an invitee such as Mr. Ross would encounter it.

9. Defendant was required to ensure that the store floor was clear of any potential trip hazards or other conditions which could cause an invitee such as Mr. Ross to slip, become unsteady or unstable, or otherwise create or contribute to a loss of balance.

10. Defendant breached the aforementioned duties in the following particulars:

- a. By failing to remove debris from the floor in a timely manner;
- b. By failing to perform appropriately thorough and timely inspections of the premises;
- c. By ignoring reports of debris on the premises despite ample opportunity to repair;
- d. By failing to place warning signs in the area(s) where debris was present;

- e. By failing to prevent access to the affected area(s) where debris was present;
- f. By failing to properly clean the premises;
- g. By ignoring company standards, or by failing to implement appropriate standards concerning premises safety; and
- h. In other particulars as may be proven at trial,

All of which directly and proximately resulted in Mr. Ross's fall, injuries, and subsequent death.

11. Pursuant to S.C. Code Ann. §15-5-90, Plaintiffs are entitled to recover from Defendant all damages for the losses sustained by Eugene Ross which were directly and proximately caused by Defendant's negligence, including:

- a) Personal injury;
- b) Pain and suffering;
- c) Mental anguish;
- d) Loss of enjoyment of life;
- e) Medical expenses, and
- f) Funeral expenses.

12. Plaintiffs are entitled to recover an amount of nominal, actual, and punitive damages as determined by a jury.

FOR A SECOND CAUSE OF ACTION
(Negligence- Wrongful Death)

13. Plaintiffs incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

14. Defendant owed a duty to use due care to discover risks and take safety precautions to warn of or eliminate unreasonable risks. Moreover, Defendant's duty to warn of obvious defects when it was foreseeable an invitee such as Mr. Ross would encounter it.

15. Defendant was required to ensure that the store floor was clear of any potential trip hazards or other conditions which could cause an invitee such as Mr. Ross to slip, become unsteady or unstable, or otherwise create or contribute to a loss of balance.

16. Defendant breached the aforementioned duties in the following particulars:

- a. By failing to remove debris from the floor in a timely manner;
- b. By failing to perform appropriately thorough and timely inspections of the premises;
- c. By ignoring reports of debris on the premises despite ample opportunity to repair;
- d. By failing to place warning signs in the area(s) where debris was present;
- e. By failing to prevent access to the affected area(s) where debris was present;
- f. By failing to properly clean the premises;
- g. By ignoring company standards, or by failing to implement appropriate standards concerning premises safety; and
- h. In other particulars as may be proven at trial,

All of which directly and proximately resulted in Mr. Ross's fall, injuries, and subsequent death.

17. Pursuant to S.C. Code Ann. §15-51-10, Plaintiffs are entitled to recover from Defendant all damages sustained as a result of the untimely death of Eugene Ross which were directly and proximately caused by Defendant's negligence, including:

- a) Personal injury;
- b) Pain and suffering;
- c) Mental anguish;
- d) Loss of enjoyment of life;
- e) Medical expenses; and
- f) Loss of the aid, society, companionship, and guidance of Eugene Ross.

18. Plaintiffs are entitled to recover an amount of nominal, actual, and punitive damages as determined by a jury.

FOR A THIRD CAUSE OF ACTION
(Loss of Consortium)

19. Plaintiffs incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

20. At the time of Eugene Ross's death, he had been married to Plaintiff Shelby Ross for 64 years.

21. As a direct and proximate result of the negligence described in the preceding paragraphs herein, Plaintiff Shelby Ross has been deprived of the aid, affection, services, and companionship of her husband, Eugene Ross.

22. Plaintiff Shelby Ross is entitled to nominal, actual, and punitive damages as a result of the loss of her husband, Eugene Ross, in an amount to be determined by a jury.

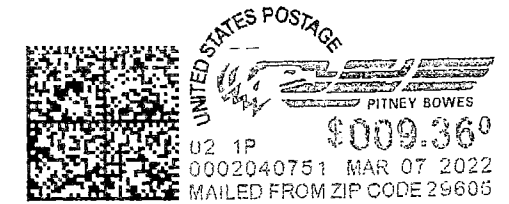
WHEREFORE, Plaintiffs pray that they be granted judgment against the Defendant for nominal, actual, and punitive damages in an amount to be determined by the jury, for the costs of this action, and for any such other and further relief as this Court shall deem just and proper.

Respectfully Submitted,

s/ Ryan S. Montgomery
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ATTORNEYS FOR PLAINTIFFS

Greenville, South Carolina
March 4, 2022



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ATTORNEY AT LAW
20 MILLS AVENUE
GREENVILLE, SC 29605

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Registered Agent for Lowe's Home Centers, LLC
508 Meeting Street
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